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ROYAL SCHOOL

OF

MEDICINE AND SURGERY,

BIRMINGHAM.

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REPORT, M.DCCC.XXXVIII.

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APPENDIX:

THE WARNEFORD TRUST DEED.



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BIRMINGHAM:

RICHARD DAVIES, TEMPLE ROW.



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## REPORT.

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AT the Annual Meeting of the Royal School of Medicine and Surgery, held on Wednesday, August 29, 1838,

EDWARD JOHNSTONE, M.D. PRESIDENT, IN THE CHAIR,

The attendance being unusually numerous, the meeting was adjourned from the theatre of the school to the Town Hall. Letters apologizing for absence were received from Earls Stamford and Warrington, Howe and Bradford; Lords Bagot and Calthorpe; from Sirs J. Eardley Wilmot, Mordaunt, Goodricke, Barts. W. S. Dugdale, Esq. M. P. E. Shirley, Esq. M.P. Rev. William Digby, (enclosing a donation of ten guineas;) from Dr. Evans, Dr. Blackiston, Mr. Richard Wood, Mr. J. Hodgson, Mr. B. Vaux, Mr. James Russell, &c. &c. There were present the Earl of Dartmouth, The Hon. and Very Rev. Dr. Howard, Dean of Lichfield, Sir G. Skipwith, Bart. Col. Thorne, James Taylor, Esq. Francis Lloyd, Esq. Charles Barker, Esq. J. E. Piercy, Esq. G. Barker, Esq. Dr. Kidd, Regius Professor of Medicine, University, Oxon, Dr. Ogle, Clinical Professor of Medicine, University, Oxon, the Rev. G. Leigh Cooke, B. D. Sedleian Professor of Geometry, University, Oxon, Rev. Vaughan Thomas, B. D. Rev. J. Harding, Senior Fellow, King's

College, Cambridge, Rev. G. P. Lee, Head Master of the Royal Grammar School, the Rev. G. A. Jacob, Head Master, Grammar School, Bromsgrove, Dr. Ryall, Head Master of the Proprietary School, the Rev. J. Hargreaves, (Handsworth,) the Rev. Riland Bedford, (Sutton,) the Rev. R. W. Stoddart, (Solihull,) the Rev. D. Davies, (Hall Green,) the Rev. F. Blackburne, (Harborne,) the Rev. J. Gorle, (Sheldon,) the Rev. W. M. Lawson, (Moseley,) the Rev. Mr. Morrison, (Stoneleigh,) the Rev. Mr. Landor, (Over Witacre,) the Rev. Mr. Morse, (Baxterly,) and nearly all the Clergy of the town; also, Dr. Male, Dr. J. Johnstone, Dr. Eccles, Dr. Birt Davies, Dr. Annesley, Dr. Corrie, Dr. Jones, Dr. Melson, Dr. Steward, (Droitwich,) and other members of the profession.

The President, Dr. Johnstone, in opening the business, alluded to the various improvements which had taken place in the School during the past year, and to the munificent donation of £1000. by the Rev. Dr. Warneford. The Doctor was not with them on that day, as he was now prosecuting a tour of humanity; he, in fact, spent his life in going about doing good. Although however not present in person, Dr. Warneford was present in his friend and almoner, the Rev. Vaughan Thomas, a gentleman by whom his munificent donations were chiefly distributed. Of Mr. Thomas it was unnecessary for him to speak; he was too well known as a philanthropist, a scholar, and as the lover of all that was good and virtuous, to require from him any eulogium. In concluding, the Doctor called upon their valued Honorary Secretary to read

#### THE ANNUAL REPORT.

“The statements which your Council are about to lay before you in their annual report, while they evince

the general prosperity of your institution, will also attest that the public interest excited in its favour, which they have had occasion gratefully to acknowledge for many successive years, has experienced no diminution.

“The number of students resorting to your school for instruction, which from its commencement has year by year progressively increased, must be a subject of congratulation; and it is further satisfactory to state, that a considerable number have, since the last meeting, obtained their diplomas from the Royal College of Surgeons and Society of Apothecaries, without attendance on lectures delivered elsewhere, and without a single instance of rejection.

“*Museum of Anatomy.*—The Museum of Anatomy and Surgery has been constantly receiving additions during the last year from your Lecturer on Anatomy and Surgery, and on Midwifery, and has been arranged by the former gentleman, in a commodious room, devoted exclusively to this department. Amongst the more recent accessions, your Council have particular pleasure in directing the attention of the Governors to the extensive Museum of the late Mr. Freer, which, by the liberality of Mr. Thomas Freer, has been deposited within your walls. The Council have also to acknowledge some rare preparations of Pathological Anatomy from India, presented by Mr. W. W. Wilkins, of the Madras Army. Mr. Middlemore has also deposited his Museum of scarce preparations connected with Ophthalmic Surgery. While on this subject, it must be noted that your Council have the satisfaction to state that the School, acting in strict conformity to the laws recently enacted for the regulation of anatomical inspection, have found every facility extended to it from the judicious co-operation of the Guardians and Overseers. Nor has it in any one instance de-



parted from the line marked out by the Legislature in paying every possible respect to the feelings of the public, by conducting the rite and practice of sepulture with solemnity and decorum: and while acknowledging the benefits we owe to them, it is not unimportant to observe, but for their liberal and enlightened support, our youth, as in former times, would still have to seek in a distant metropolis, or in a foreign clime, that information denied them at home.

*Museum of Natural History.*—The Natural History department has received numerous and most valuable additions. Your Council have to acknowledge objects of Natural History from the Earl of Carlisle, the Earl of Mountnorris, Lord Viscount Valentia, the Hon. and Very Rev. the Dean of Lichfield, Joseph Webster, Esq. Mr. H. Minster, 41st. Regiment, Mr. Boulbee, Mr. Josiah Richards, Mr. Guest, Wellington Road, Mr. W. Hammond, Mr. A. Walters, and Mr. Stubbs, of the city of Ripon. In reference to this department, the Council have to invite your particular attention to an important step taken by them in the course of this year. Lectures on Natural History and Comparative Anatomy, as recommended by the public medical authorities, having been annexed to King's College, the London University, and other public Schools of Medicine in the metropolis, and an opportunity presenting itself of procuring the rich Museum of Mr. Weaver, the result of fifteen years' labour, it was resolved by your Council that the same be purchased for your School. In furtherance of this grand object, your Noble Patrons, with that distinguished liberality which they have ever evinced for the welfare and advancement of your Institution, immediately entered into the views of your Council; supported by a liberal public, through the active exertions of Mr. Sands Cox, aided by J. E.

Piercy, Esq. and T. Upfill, Esq. the sum of £1500 was raised. In making their acknowledgments for this unbounded patronage, your Council cannot but call for your particular thanks to a Nobleman who, on all occasions where good is to be done and science promoted in this great town, is found in the foremost rank—the Earl of Dartmouth;—and who, in regard to this particular object, independently of the munificence of his contribution, most condescendingly devoted his time and patient attention to the organization of a code of laws for the management of this department.

“*Of the Library.*—Your Council have to report that, since the last Meeting, your Library, which then consisted of nine hundred volumes, has been most materially increased. Your munificent patron, the Rev. Dr. Warneford, through the medium of that accomplished and eminent scholar, the Rev. Vaughan Thomas, has enriched, and continues to enrich its shelves, not only with the best works, bearing especially on Medicine and Surgery, but with a complete series of the most valuable authors on Physico-Theology and Natural Religion. The utility of this department of the School to the student has been further increased by a regular supply of the best British and Foreign weekly, monthly, and quarterly periodicals, and by a most complete and extensive series of beautifully executed plates of Surgical Anatomy which now ornament its walls. Our report now brings us to the announcement of a donation almost unexampled in its munificence, and equally noble in its design, and which, whether we consider it as a sanction and encouragement of our particular Institution, or whether in reference to the grandeur of the object and study it is intended to promote, deserves our highest respect and warmest gratitude;—it is the donation of



£1000, by that enlightened philanthropist the Rev. Dr. Warneford, whose liberality we have had occasion so often to commemorate ; the interest to be applied, for ever, to the institution of two prizes, either of equal or unequal amount, as may seem to the judges most likely to advance the great ends in view, which are—*to combine religious and scientific studies and pursuits, to make medical and surgical students good christians as well as able practitioners in medicine and surgery.* In carrying into effect the intentions of the donor, in securing the safe investment of this noble fund, and in defining the exact object and scope of the Rev. Founder's views, we cannot too strongly express the deep obligations which we owe to the sound judgment, exact knowledge, and prudent care of your generous Patron and Vice President, the Rev. Chancellor Law, whose efforts in executing this trust, in conjunction with your venerated President, the Rev. Vaughan Thomas, J. Meredith, Esq. and Mr. W. S. Cox, have been most zealous and unwearied.\* Since our last meeting, a series of regulations have been drawn up for the guidance of your visitors, in framing which especial thanks are due to Dr. Booth, so as to maintain the utmost regularity and discipline in every department. A longer term of attendance upon Lectures has been required by the accredited authorities in London, and arrangements have been accordingly made by your lecturers to extend their courses. The Council beg to recommend that Mr. Middlemore, whose appointment as Surgeon to the Eye Infirmary renders him peculiarly qualified, be elected Lecturer on Ophthalmic Surgery.

“In conclusion, your Council cannot but anticipate great benefit from the approaching Meeting of the British Association of Science, which, independently of

\* Vide Appendix, “Warneford Trust Deed.”

the local advantages to be derived from it, cannot fail to become an individual advantage to your Society, by increasing its connection and power of intercommunication with other scientific societies and distinguished individuals."

### TREASURER'S REPORT.

RECEIPTS.				PAYMENTS.			
<i>Donations.</i>				£ s. d.			
	£	s.	d.				
Right. Hon. Lord				Balance .. ..	65	18	7
Ward.. .. .	10	10	0	Rent, Levies and			
The Rev. William				Taxes .. ..	124	17	6
Digby .. ..	10	10	0	Curator .. ..	66	11	10
Abel Peyton, Esq.	10	10	0	Books, Printing, &c	59	2	2
Samuel Partridge,				Museum .. ..	6	3	0
Esq. (2nd don.)	10	10	0	Brushes, &c.. ..	4	17	0
Rev. D. Davies ..	5	5	0	Glass .. .. .	3	0	0
R. W. G. .. ..	2	0	0	Garpeners' work,			
				and Furniture..	14	14	6
<i>Paid by Lecturers.</i>				Coals .. .. .	7	2	11
Anatomy & Surgery	21	0	0	Two Gold Medals			
Anatomical Demon-				(Prizes) .. ..	10	10	0
strations .. ..	14	0	0	Gas .. .. .	26	6	11
Chemistry .. ..	21	0	0	Water Works ..	2	10	0
Materia Medica ..	14	0	0	Interest and Com-			
Practice of Physic	14	0	0	mission .. ..	1	16	9
Midwifery .. ..	14	0	0				
Botany.. .. .	7	0	0				
Forensic Medicine	7	0	0				
Subscriptions ..	136	2	0				
By balance to N.A.	96	4	2				
	£393	11	2		£393	11	2

On the conclusion of the report, the Rev. Vaughan Thomas delivered the address, bearing especially on the specification of the Rev. Dr. Warneford's munificent gift, which lasted upwards of two hours.

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## THE FOLLOWING PRIZES WERE AWARDED TO THE STUDENTS.

### THE WARNEFORD PRIZE, (Forty Pounds)

<i>Presented by</i>	<i>Student.</i>	<i>With whom Pupil.</i>
The Rev. Vaughan Thomas	Mr. T. C. Roden (Kidderminster)	Messrs. Lukis and Roden, Kidderminster

### GOLD MEDALS (for Good Conduct)

The Hon. and Very Rev. Dr. Howard, Dean of Lichfield	Mr. E. Chesshire, Mr. Smith	Mr. Pye Chavasse Messrs. Waddy & Cartwright
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### THE MEREDITH PRIZE (Five Guineas)

James Taylor, Esq.	Mr. Hobbins (Great Bridge)	Mr. Underhill, Great Bridge
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### THE JEPHSONIAN PRIZE, (Twenty Guineas) Good Conduct and Professional Acquirements.

Rev. J. A. James	Mr. Grant, (Northampton)	Mr. Francis Elkington <sup>1</sup>
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### SILVER MEDAL, (Surgery)

The Regius Professor of Anatomy, Oxford, Dr. Kidd	Mr. Cooper	Mr. Cooper, Bilston, Staffordshire
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### SILVER MEDAL, (Practice of Physic)

The Clinical Professor of Medicine, Oxford, Dr. Ogle	Mr. Grant Mr. Randles, (Overton, Wales)	Mr. Elkington Mr. Hadley
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### FIRST SILVER MEDAL, (Materia Medica)

Dr. James Johnstone, Physician to the General Hospital	Mr. Smith	Messrs. Waddy & Cartwright
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## RESOLUTIONS.

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The following resolutions were unanimously passed:—

*It was resolved unanimously,*

That the report submitted by the Council be adopted, and that Mr. Richard Middlemore be elected Lecturer on Ophthalmic Surgery.

*It was resolved unanimously,*

That the grateful thanks of this meeting be especially presented to the Rev. Vaughan Thomas for his eloquent and augmentative address, *on the immediate connection of Medical and Surgical Studies with the Truths of Divine Revelation*, and that he be requested to permit the same to be printed.

*It was resolved unanimously,*

That the thanks of this meeting be presented to the Right Hon. the Earl of Dartmouth, the Hon. and Very Rev. the Dean of Lichfield, Sir G. Skipwith, Bart. and other patrons, for their kind attendance this day.

*It was resolved unanimously,*

That the best thanks of this meeting be presented to Dr. Kidd, Regius Professor of Anatomy, Oxford, Dr. Ogle, Regius Professor of Clinical Medicine, Oxford, and the Rev. G. Leigh Cooke, B.D. Sedleian Professor of Geometry, Oxford, for their kind attendance this day.

*It was resolved unanimously,*

That the grateful thanks of this meeting be presented to the President and Vice-President for their important services rendered to the Institution, and that they be re-elected.

*It was resolved unanimously,*

That the thanks of this meeting be presented to the Council, Treasurer, and Honorary Secretary, for their efficient services, and that they be re-elected.



*It was resolved unanimously,*

That the warmest acknowledgment of this meeting be presented to the Lecturers for the zeal and assiduity with which they have discharged their important duties.

*It was resolved unanimously,*

That the thanks of this meeting be presented to the Clergy, Visitors, and Members of the Profession who have attended this day.

*It was resolved unanimously,*

That the thanks of this meeting be presented to the Guardians and Overseers of the Town for their liberal co-operation.

EDWARD JOHNSTONE, M.D. PRESIDENT.

The Earl of Dartmouth having taken the Chair—

*It was resolved unanimously,*

That the warmest thanks of this meeting be presented to Edward Johnstone for his very kind and able conduct in the chair this day.

DARTMOUTH.



## APPENDIX.

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### THE WARNEFORD TRUST DEED.

**T**his Indenture, made the Twentieth day of December, one thousand eight hundred and thirty eight, Between the Reverend Samuel Wilson Warneford, of Bourton-on-the-Hill, in the county of Gloucester, Doctor of Laws, of the first part; the Right Honourable William, Earl of Dartmouth, the Right Honourable George Augustus Frederick Henry, Earl of Bradford, and the Rev. Vaughan Thomas, of Corpus Christi College, Oxford, Clerk, of the second part; and Edward Johnstone, of Edgbaston, in the County of Warwick, Esq. Doctor in Medicine, being the President, and the Right Honourable George Gough, Lord Calthorpe, the Reverend James Thomas Law, Clerk, Chancellor of the Diocese of Lichfield, and James Taylor, of Moseley Hall, in County of Worcester, Esq. being three of the Governors of the School of Medicine and Surgery in Birmingham, in the said County of Warwick, of the third part. Whereas the said Samuel Wilson Warneford, being desirous of the advancement of sound learning and religious education determined, with the consent and approbation of the said President and Governors of the said School of Medicine and Surgery in Birmingham, (testified by their being parties to and executing these presents) to institute a prize or prizes to be the subject of competition between Students of the said School, and to be awarded and given under such regulations and according to such schemes as are hereinafter

established and set forth. And whereas, for effecting such desire and determination, the said Samuel Wilson Warneford proposed to give and appropriate the sum of one thousand pounds sterling, the annual interest whereof should be applied for the institution of a prize or prizes, according to the regulations hereinafter contained, in the Birmingham School of Medicine and Surgery aforesaid, as may seem to the Trustees most likely to advance the great ends which the said Samuel Wilson Warneford has in view, and which are hereby understood and declared to be *to combine religious with scientific studies and pursuits, and to make Medical and Surgical Students good Christians, as well as able practitioners in Medicine and Surgery ; and so as that the compositions written for such prize or prizes may be of a religious as well as a scientific nature, and the subject of them (being taken out of any branch of Anatomical, Physiological, or Pathological science) may be treated of in a practical and professional manner, and according to those evidences of facts and phenomena which Anatomy, Physiology, and Pathology so abundantly supply, but always and especially with a view to exemplify or set forth by instance or example, the wisdom, power and goodness of God as revealed and declared in Holy Writ.* And whereas it was agreed that the said sum of one thousand pounds should be laid out or invested in the names of the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, upon security in manner hereinafter mentioned ; and that the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, their executors and administrators, should stand possessed of and interested in the stocks, funds and securities, upon which the said sum of one thousand pounds should be laid out or invested, and the interest, dividends, and annual proceeds thereof, upon and for the trusts, intents and purposes, and with, under, and subject to the powers, provisoes, agreements and declara-

tions hereinafter declared, expressed and contained of, and concerning the same. And whereas, in pursuance of the said agreement, the said Samuel Wilson Warneford has, with the privity and approbation of the said President and Governors (testified as aforesaid) laid out the said sum of one thousand pounds in the names of the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, upon a mortgage security made to them, the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, their executors, administrators and assigns, by the Governors of the possessions, revenues and goods of the Free Grammar School of King Edward the Sixth, in Birmingham aforesaid, under and by virtue of certain Acts of Parliament enabling them the said Governors of the said Charity, to raise money by mortgage of the Estates of the said Charity, and which said mortgage security is dated the 12th day of December instant, is numbered 29, and is under the common seal of the said Governors of the said Charity, and secures to the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, their executors, administrators and assigns, the repayment of the said sum of one thousand pounds, with interest for the same, in the mean time to be payable half-yearly on the 25th day of December, and the 24th day of June in every year. Now this Indenture witnesseth that in further pursuance of the said agreement, and for further effecting the said desire of the said Samuel Wilson Warneford, and in consideration of the premises, it is hereby agreed and declared between and by the parties to these presents, that the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, their executors and administrators, do and shall stand possessed of and interested in the said sum of £1000 so secured by mortgage as aforesaid, upon trust that they the said William, Earl of Dartmouth, George



Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, and the survivors and survivor of them, and the executors and administrators of such survivor, do and shall either permit and suffer the said sum of £1000, to remain invested on its present security, or do and shall at any time or times at their and his discretion call in and compel or accept payment of and receive the said sum of £1000 and invest the same in the purchase of a competent share or shares of any of the parliamentary stocks or public funds of Great Britain, or at interest upon Government or real securities in England or Wales, and do and shall from time to time alter, vary, and transpose the said stocks, funds, and securities into or for other stocks, funds and securities of the same or a like nature, as to them or him shall seem meet. And it is hereby further agreed and declared that the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, their executors and administrators, do and shall stand possessed of and interested in the said sum of £1000, and the stocks, funds, and securities in or upon which the same is or shall be laid out or invested, and the interest, dividends and annual produce thereof upon trust that the said William, Earl of Dartmouth, George Augustus Frederick, Earl of Bradford, and Vaughan Thomas, and the survivors and survivor of them, and the executors or administrators of such survivor, do and shall from time to time receive the interest, dividends, and annual proceeds which shall accrue due on the said trust-monies, stocks, funds and securities, and by and out of the same, pay and discharge, or retain to and reimburse themselves and himself, all and singular, the costs, charges and expenses which they or he shall incur or be put unto in or about the receiving or obtaining payment of the said interest, dividends, and annual proceeds, or any of them or otherwise in or about the execution of the trusts of these presents or by reason thereof or incidental thereto, and also pay and discharge all costs, charges, and expenses (if any) which

the President and Governors for the time being of the said School of Medicine and Surgery and the Judges hereinafter named or any of them shall incur or be put unto in or about the execution of the trusts of these presents, or by reason thereof or incidental thereto, and also the expenses of appointing new trustees and making trustees from time to time as occasion shall require, and the expenses of altering varying, and transferring the securities aforesaid from time to time as they shall deem meet, and all such other costs, charges, and expenses for printing, advertizing or other purposes as the said trustees or trustee for the time being of the said fund, and the said President and Governors for the time being shall approve and deem conducive to the purposes hereinafter mentioned; and do and shall from time to time pay and apply the residue which shall remain after answering and satisfying the trusts aforesaid of the said interest, dividends, and annual proceeds, as and for a prize or prizes to be the subject of competition between students of the said School of Medicine and Surgery, and to be awarded and given under such regulations and according to such scheme as are hereinafter established and set forth. Provided always and it is hereby agreed and declared between and by the parties to these presents, that if the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, or any of them or any future trustee or trustees to be appointed as hereinafter is mentioned, shall die or be desirous of being discharged of and from or refuse or decline or become incapable to act in the trusts or powers hereby in them reposed or to them given, then and in such case, and when and so often as the same shall happen the surviving or continuing trustees or trustee for the time being (and for this purpose any trustee or trustees retiring from or declining to act in the aforesaid trusts shall, if willing to act in the exercise of this present power be considered a continuing trustee or trustees) or the executors or administrators of the last surviving trustee or



continuing trustee for the time being shall forthwith with all convenient speed, by some deed or deeds, instrument or instruments, in writing, signed, sealed and delivered, by them or him, in the presence of and attested by two or more credible witnesses, from time to time nominate, substitute or appoint one or more person or persons (to be elected out of the trustees of the general funds of the said School of Medicine and Surgery, and to be approved of by the said President and Governors thereof for the time being) to be a trustee or trustees in the stead or place of the trustee or trustees so dying or desiring to be discharged or refusing, declining or becoming incapable to act as aforesaid; and that when and so often as any new trustee or trustees shall be nominated and appointed as aforesaid, the trust monies and premises which shall then be vested in the trustee or trustees so dying or desiring to be discharged or refusing, declining or becoming incapable to act as aforesaid, either solely or jointly with the other trustee or trustees, or in the executors or administrators of the last surviving trustee, shall be thereupon, with all convenient speed, assigned and transferred in such sort and manner, and so as that the same shall and may be legally and effectually vested in the surviving and continuing trustee or trustees, and such new or other trustee or trustees, or if there shall be no continuing trustee or trustees, then in such new trustee or trustees only upon the trusts of these presents. Provided always nevertheless, and it is hereby agreed and declared between and by the parties to these presents, and their intent is that as soon as any one of them, the said William, Earl of Dartmouth, George Augustus Frederick Henry, Earl of Bradford, and Vaughan Thomas, or of other the trustees for the time being of the said trust premises shall die, or be desirous of being discharged from or refuse or decline or become incapable to act in the trusts aforesaid, then and immediately thereupon, a new trustee shall, by virtue of the power aforesaid, be substituted, nominated, and appointed

in the place or stead of the trustee so dying or becoming desirous of being discharged from, or refusing, declining, or becoming incapable to act in the trusts aforesaid, and the power hereinbefore given to one surviving or continuing trustee, his executors or administrators is only intended to be exercised in case any previous neglect or omission, or any accidental circumstances shall render the exercise of the same absolutely necessary. And it is hereby agreed and declared, that the trustee or trustees so to be nominated, substituted or appointed, as hereinbefore is mentioned, shall and may, in all things, act and assist in the management, carrying on and execution of all the trusts and powers herein declared or contained in conjunction with the other then surviving or continuing trustee or trustees, if there shall be any such surviving or continuing trustee or trustees; and if not, then by himself or themselves, as fully and effectually, and shall and may have, and exercise all the same power and powers, authority and authorities, to all intents, effects, and trust purposes whatsoever, as if he or they had been originally, in and by these presents, nominated a trustee or trustees, and as the trustee or trustees named in these presents, in or to whose place such new trustee or trustees shall come or succeed are or is enabled to do or could or might have done, under and by virtue of these presents, if then living and continuing to act in the trusts or powers hereby reposed in or given to him or them any thing hereinbefore contained to the contrary thereof notwithstanding. Provided always, and it is hereby declared that the trustees hereby nominated and appointed or to be appointed by virtue of the proviso last hereinbefore contained, and each and every of them, shall be charged and chargeable respectively only for such moneys as they shall respectively actually receive by virtue of the trusts hereby in them reposed, notwithstanding his or their or any of their giving or signing or joining in giving or signing any receipt or receipts for the sake of conformity;

and any one or more of them shall not be answerable or accountable for the other or others of them, or for the acts, receipts, neglects, or defaults of the other or others of them, but each and every of them only for his and their own acts, receipts, neglects, or defaults respectively; and that any one or more of them shall not be answerable or accountable for any banker, broker, or other person with whom or in whose hands any part of the said trust monies shall or may be deposited or lodged for safe custody, or otherwise in the execution of the trusts hereinbefore mentioned; and that they or any of them shall not be answerable or accountable for the insufficiency or deficiency of any security or securities, stocks or funds, in or upon which the said trust monies or any part thereof shall be placed or invested, nor for any other misfortune, loss or damage which may happen in the execution of the aforesaid trusts, or in relation thereto, except the same should happen by or through their own wilful default respectively, and an omission or neglect to appoint a new trustee immediately upon a vacancy shall not be deemed a wilful default. And this Indenture further witnesseth, that for further effectuating the said desire of the said Samuel Wilson Warneford, and in consideration of the premises, it is hereby agreed and declared, between and by the parties to these presents, that at every convenient time in this and every future year, one subject, having reference to the preceeding description, shall be selected by the Judges hereinafter named for that purpose, and shall, in such manner as the said President and Governors for the time being shall deem expedient, be publicly proposed to the Students for the time being of the said School of Medicine and Surgery, who shall be of two years' standing and upwards in the said School, being the only School in which they have pursued their studies, and who shall have adhered to the curriculum of Medical Study adopted at the said School, in order that those of the said students who may think fit so to do, may compose and write an essay or essays on the said sub-



ject. That the time at which such subject shall be publicly proposed as aforesaid, shall precede the then next annual meeting of the said President and Governors, by at least two calendar months. That such of the said students of two years standing and upwards as aforesaid as shall have composed and written essays or an essay on the subject aforesaid shall, within a certain time to be specified by the persons hereinafter named as Judges, and to be publicly notified at the time and in the manner in which the said subject shall be proposed, send such essays or essay to the President and Council of the said School; each such essay to be distinguished by a motto to be thereupon endorsed or written. That every such essay shall be accompanied with a sealed envelope, on which shall be written the motto used to distinguish the essay, and which shall contain enclosed the name of the author of the essay. That the said Judges hereinafter named, shall duly examine and consider the several essays which shall be so sent as aforesaid, and shall determine which two of the said essays on the subject proposed are the best and most deserving of reward. That as soon as the best essays are so determined, the accompanying envelopes distinguished by the same mottos, respectively shall be sent to and be opened by the Council of the said School, and the names of the respective authors thereof be examined, and in case they shall be found to be such students as under the regulations herein contained, or under any regulations to be made by virtue of any power or authority herein given, shall be duly qualified to send in essays, then the prize or prizes hereinbefore provided, shall be awarded to such students, and the said trustees for the time being of the said trust monies and premises shall pay to the said students the clear residue of the interest, dividends and annual proceeds thereof which shall have accrued due since the then last distribution of the said prizes in equal shares and proportions or in such other shares or proportions as the said Judges shall direct. That if the said Judges

shall so think fit they may direct the said clear residue or any part thereof to be laid out in the purchase of such books as they shall select and approve, and in such case the said books shall be given to the said students or either of them instead of the money to which they or he may have become entitled under such award as aforesaid. That the said prize or prizes shall be awarded in every year before the general annual meeting for that year of the said President and Governors, and at each such next succeeding annual meeting the said President or his locum tenens shall publicly declare the names or name of the successful candidates or candidate, and the amount of money or the book or books awarded to them or him respectively. That the prize or prizes so declared shall be paid or given to the students or student entitled thereto at or as soon as conveniently may be after each such annual meeting. That in case any or either of the authors of the best essay or essays aforesaid shall be found to be not duly qualified to compete for the prize, then the said Judges shall award the prize or prizes to such other essay or essays, which shall have been sent in as aforesaid by a person qualified to be a candidate, as the said Judges shall consider to be next in merit. That in case in any year the said Judges shall be of opinion that only one of the essays sent in by a candidate duly qualified, is of sufficient merit to deserve a prize, then that one prize only shall be awarded in that year, and the whole of the said net residue of the said interest, dividends and annual proceeds, or so much thereof as the said Judges shall think fit to award as the prize for such year, or such books as aforesaid, shall be given to the author of such one essay as the said Judges shall consider to deserve the same as aforesaid. But in the event of there being no competitors, or in case the said Judges shall be of opinion, in any year aforesaid, that no one of the essays sent in is of sufficient merit to deserve a prize, then that no prize shall be awarded in that year, and the said clear residue of the annual proceeds or



so much thereof as may remain unappropriated by the said Judges in any year under the provisions hereinbefore contained shall, under the direction of the said Judges, be expended by the said Trustees in the purchase of books, specially bearing on the object in view in the institution of the said prize, and such works shall be forthwith deposited in the Library of the said School. That the persons hereinbefore referred to as the Judges who shall select the subjects of the said essays and award the prizes, shall be the Dean for the time being of the Cathedral Church of Lichfield, the Chancellor for the time being of the Diocese of Lichfield, the President for the time being of the said School of Medicine and Surgery, the Lecturer for the time being in the said School in the Practice of Physic, the Lecturer for the time being in the said School in Anatomy, and the Reverend Vaughan Thomas so long as he shall live. That in case the said Dean of the said Cathedral Church and the said Chancellor of the said Diocese for the time being or either of them shall refuse or neglect or be unable or unwilling to act as Judges or a Judge, then and in every such case the said President and Lecturers, and the said Vaughan Thomas, during his life, shall fill up the said vacancies or vacancy for the time being, by nominating one or two as the case may be out of the persons hereinafter named, to supply the said vacancies or vacancy, and the person or persons so nominated shall, if willing to act, have all the same powers and authorities as the Judge or Judges hereby appointed, whose place or places such person or persons shall be so nominated to fill, would have had under these presents if willing and able to act. That the person or persons out of whom such vacancies or vacancy shall be supplied, shall be the Archdeacon of the Archdeanery of Coventry for the time being, the Rector of St. Philip's Church in Birmingham aforesaid, and the Head Master of the Grammar School of King Edward the Sixth in Birmingham aforesaid. That in case none of the said persons out

of whom such vacancies are to be supplied shall be willing or able to act, or in case the said President and Lecturers or any of them shall be incapacitated by illness or other unavoidable circumstances from acting, or in case the said Vaughan Thomas shall be unable or unwilling to act, then and in any of such cases, and so often as the same shall happen such of the said Judges as shall for the time being be able and willing to act shall alone propose and select the subject or shall award the prizes, as the case may be, in manner aforesaid, and shall have all the same powers and authorities in every respect as if the whole number of the said Judges had acted. That in case of any difference of opinion between the acting Judges for the time being as to the merit of any essay or essays or as to any other point connected with the duties hereby imposed on them, then such difference shall be determined in favour of that opinion for which the largest number of the said acting Judges for the time being shall give their votes; and in case, on any such difference of opinion, the number of votes on each side shall be equal, then the President for the time being of the said School, or in his absence the Judge who shall be senior among the said acting Judges shall give a second or casting vote, and the difference shall be determined in favour of that opinion for which the said second or casting vote shall be given. That he shall be reckoned the senior amongst the said acting Judges who shall have been for the longest time qualified to act as a Judge, yet so that no one of the persons hereinbefore named, merely to supply vacancies, shall be entitled to give a casting vote, but such vote is to be given by the senior amongst the acting Judges of the Judges originally named, and in case all the said acting Judges shall be equal in point of seniority, then the casting vote shall be given by such one of the acting Judges for the time being as is first hereinbefore named as a Judge. Provided always, and it is hereby agreed and declared that it shall be lawful for the said Dean of the said Cathedral

Church, the Chancellor of the said Diocese, and the said President and Lecturers for the time being, together with the said Vaughan Thomas during his life, at any time or times so make any new regulations with respect to the essays and prizes aforesaid, either instead of the regulations herein contained or in addition thereto, yet so as not to defeat and militate against the original object and intentions of the said Samuel Wilson Warneford as aforesaid or the character of the Prize; and such regulations when so made, shall be of the same force and effect as though they had been inserted in these presents, and the regulations herein contained (if any) instead of which they shall be made had been expunged from these presents. In witness, &c.



